

## REMARKS

Claims 1-18, 24-27, and 32-34 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

Should the Examiner rely on a new ground of rejection or a new reference in rejecting the claims in the next Office Action, a Final Office Action would not be appropriate since no amendments have been made to the claims. See MPEP § 706.07(a) - under present practice, Office Actions where the Examiner introduces a new ground of rejection shall be final only when the new ground of rejection is necessitated by Applicants' amendment of the claims.

### REJECTION UNDER 35 U.S.C. § 103

Claims 1-11, 24-27, and 32-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,600,574 ("Reitan") in view of U.S. Pub. No. 2005/0057303 A1 ("Leffel"). Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Reitan in view of U.S. Pub. No. 2002/0030751 ("Takane"). These rejections are respectfully traversed.

Claim 1 recites that, based on the curvature of the transfer function, the sample inputs are distributed so that

more sample inputs are associated with a first region of the transfer function than a second region of the transfer function.

A. Reitan does not show, teach, or suggest that, based on the curvature of the transfer function, the sample inputs are distributed so that more sample inputs are associated with a first region of the transfer function than a second region of the transfer function.

In rejecting claim 1, the Examiner alleges that Reitan discloses the sample inputs being distributed based on a curvature of the transfer function at Column 16, Lines 8-17, Column 21, Lines 55-67, Column 22, Lines 5-10, and FIGS. 9-11, and notes "the response curve of the transfer function." (See Page 3 of the Office Action mailed July 9, 2009, hereinafter "the Office Action"). Applicants respectfully note that each of these cited portions is absent of any teaching or suggestion whatsoever that the sample inputs are distributed so that more sample inputs are associated with a first region of the transfer function than a second region of the transfer function specifically based on the curvature of the transfer function.

For example, Column 16, Lines 8-17 recite:

To test for pixel value integrity, an image containing a broad range of densities is required such as that described above in conjunction with FIG. 6 which corresponds to reference film 405 described above in conjunction with FIG. 4A. A sufficient number of sample points on reference film 405 is required to reveal any nonlinearities over small ranges of input values. To measure the uniformity of response, the

input regions of equal density should be as uniform as possible.

Applicants respectfully note that this portion of Reitan fails to disclose that sample inputs are distributed based on the curvature of the transfer function, and in fact is absent of any teaching or suggestion of a transfer function. Accordingly, this portion of Reitan fails to disclose distributing more sample inputs in a first region of the transfer function than in a second region of the transfer function based on the curvature of the transfer function.

Column 21, Lines 55-67 of Reitan state that look up tables are utilized "to achieve a desired transfer function." In other words, the look up tables are used to determine the transfer function. In contrast, claim 1 recites that sample inputs are distributed based on the curvature of the transfer function. This portion of Reitan is absent of any teaching or suggestion of such a limitation.

Similarly, Column 22, Lines 5-10 of Reitan merely disclose that LUTs "are used to transform pixel quantities" without disclosure as how a number of sample inputs are distributed based on the curvature of the transfer function. FIGS. 9-11 are merely graphical representations of the LUTs, not an indication that more or less sample inputs are distributed in particular areas based on the curvature of the transfer function.

Instead, Reitan discloses regions of interest in the actual image "defined within bar spacing regions so that the region of interest stays completely within these features." (See Column 18, Lines 20-30). In other words, Reitan discloses locating a specific region of the image to be sampled and populating a look up table accordingly. As such, sample inputs are distributed based on a region of the image, not a curvature of the transfer function.

*B. Leffel and Takane do not show, teach, or suggest based on the curvature of the transfer function, the sample inputs are distributed so that more sample inputs are associated with a first region of the transfer function than a second region of the transfer function.*

The Examiner merely relies on Leffel and Takane to disclose an address module to calculate an index into the LUT based on image data, and a sensor, respectively. Although Applicants do not concede that Leffel and Takane disclose these limitations, Applicants respectfully submit that Leffel and Takane fail make up for the deficiencies of Reitan with respect to the recitation that, based on a curvature of the transfer function, the sample inputs are distributed so that more sample inputs are associated with a first region of the transfer function than a second region of the transfer function.

*C. Claim 1 has limitations not taught by either reference.*

It is a longstanding rule that to establish a prima facie case of obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 143 (CCPA 1974). See MPEP § 2143.03. For at least the above reasons, Applicants respectfully assert that claim 1 defines over the cited art.

*D. Other Claims*

Independent claims 11, 24, and 32 are allowable for at least similar reasons as claim 1.

*E. Dependent Claims*

Applicants respectfully note that claims 2-10, 12-18, 25-27, and 33 depend directly or indirectly from claims 1, 11, 24, and 32 and are therefore allowable for at least similar reasons as claims 1, 11, 24, and 32. Applicants' position with respect to claims 2-10, 12-18, 25-27, and 33 should not be understood as implying that no other reasons for the patentability of claims 2-10, 12-18, 25-27, and 33 exist. Applicants reserve the right to address these other reasons at a later date if needed.

Claim 12-18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Reitan in view of Takane and further in view of Leffel. This rejection is respectfully traversed.

*F. Other Rejections*

Claims 12-18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Reitan in view of Takane and further in view of Leffel. This rejection is respectfully traversed.

Takane and Leffel do not remedy the deficiencies of Reitan with respect to claim 11. Claims 12-18 ultimately depend from claim 11 and therefore are in condition for allowance for at least similar reasons. Applicants' position with respect to claims 12-18 should not be understood as implying that no other reasons for the patentability of claims 12-18 exist. Applicants reserve the right to address these other reasons at a later date if needed.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly addressed. For all of the reasons set forth above, Applicants submit that the application is in condition for allowance. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. By addressing particular positions taken by the Examiner in the above remarks, Applicants do not acquiesce to other positions that have not been explicitly addressed. In addition, Applicants' arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

If the Examiner believes that personal communication will allow any outstanding issues to be resolved, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By:

  
Michael D. Wiggins  
Reg. No. 34,754  
Damian M. Aquino  
Reg. No. 54,964

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

MDW/DMA/rao

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